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15 IN THE UNITED STATES DISTRICT COURT  
16  
17 NORTHERN DISTRICT OF CALIFORNIA  
18  
19 SAN FRANCISCO DIVISION

20 VICTORIA ROGER-VASSELIN, } Case No. C 04 4027(TEH)  
21 KENNETH ARRICK, RICHARD KITTNER, }  
22 Plaintiffs, } STIPULATION AND [PROPOSED]  
23 v. } ORDER RE MOTIONS IN LIMINE  
24 MARRIOTT INTERNATIONAL, INC., } Action Filed: August 5, 2004  
25 MARRIOTT OWNERSHIP RESORTS, INC., } Trial Date: June 27, 2006  
d/b/a MARRIOTT VACATION CLUB } Judge: Hon. Thelton E. Henderson  
INTERNATIONAL, RITZ-CARLTON }  
DEVELOPMENT COMPANY d/b/a THE }  
RITZ-CARLTON CLUB, RICK OWEN and }  
DOES 1-50, }  
26 Defendants. }  
27  
28

1       Whereas, this Court's Pretrial Order of December 21, 2005, requires counsel to meet  
2 and confer prior to filing motions *in limine*, and

3       Whereas, counsel for plaintiffs and defendants in the above-captioned case have met  
4 and conferred and reached agreement on certain of the proposed motions;

5       Now therefore, plaintiffs and defendants, by and through their counsel of record,  
6 hereby stipulate and agree that, during the jury trial of this case, this Court shall order and  
7 instruct, before trial and before selection of the jury, defendants, their attorneys, and their  
8 witnesses not to directly or indirectly mention, refer to, interrogate concerning, or attempt to  
9 convey to the jury in any manner any of the facts indicated below without first obtaining the  
10 permission of the Court outside the presence and hearing of the jury:

11       1. Any statement that Marriott International, Inc. or Marriott Ownership Resorts,  
12 Inc. dba Marriott Vacation Club International ("MVCI") or the Ritz Carlton Development  
13 Company dba Ritz Carlton Club ("Ritz Carlton Club") are not liable for Rick Owen's  
14 discrimination or harassment or retaliation on the basis that Mr. Owen's acts were outside  
15 the scope of his employment.

16       2. Any statement that Rick Owen was not a supervisor for MVCI.

17       3. Any evidence regarding plaintiff Kenneth Arrick's history of alcoholism.

18       4. Any evidence regarding plaintiff Kenneth Arrick's past suspension from the  
19 State Bar of Arizona.

20       5. Any evidence regarding plaintiff Kenneth Arrick or Victoria Roger-Vasselin's  
21 proceeds from the disability insurance they personally purchased.

22       6. Any evidence related to allegations of any party's use of illegal substances  
23 prior to employment at Marriott.

24       7. Any evidence regarding plaintiffs' marital histories.

25       8. Any evidence related to allegations of sexual harassment against plaintiff  
26 Richard Kittner.

27       9. Any evidence related to plaintiff Victoria Roger-Vasselin's claims of sexual  
28 harassment by her former employer.

1        In addition, plaintiffs and defendants, by and through their counsel of record, hereby  
2 stipulate and agree that, during the jury trial of this case, this Court shall order and instruct,  
3 before trial and before selection of the jury, plaintiffs, their attorneys, and their witnesses  
4 not to directly or indirectly mention, refer to, interrogate concerning, or attempt to convey to  
5 the jury in any manner any of the facts indicated below without first obtaining the  
6 permission of the Court outside the presence and hearing of the jury:

7        1.        Lawsuits against MVCI that do not involve failure to prevent discrimination,  
8 retaliation, age discrimination or harassment.

9        2.        Any evidence related to allegations of any party's use of illegal substances  
10 prior to employment at Marriott.

11        Plaintiffs and defendants further stipulate and agree to the following: 1) that no  
12 witnesses, other than the parties and their expert witnesses, shall be allowed in the  
13 courtroom during trial; 2) that plaintiffs are not claiming economic damages for any denial  
14 of promotion that is not listed in Exhibit A attached hereto and incorporated herein by  
15 reference. Plaintiff Kenneth Arrick does not claim economic damages for any time prior to  
16 2000. Plaintiff Victoria Roger-Vasselin does not claim economic damages for any time  
17 prior to 2003; and 3) at all relevant times, defendant Rick Owen was an employee of MVCI  
18 rather than the Ritz Carlton Club.

19        It is so stipulated.

20 Dated: June 5, 2006

s/James Boddy/s

James Boddy  
Morrison & Foerster LLP  
Attorneys for Defendants

23 Dated: June 5, 2006

s/Gay Crosthwait Grunfeld/s

Gay Crosthwait Grunfeld  
Rosen, Bien & Asaro, LLP  
Attorneys for Plaintiffs

## ORDER

This Court, having reviewed the above Stipulation and good cause appearing, hereby enters the Stipulation as an Order in the trial of this matter.

It is so ordered.

Dated: June 6, 2006

Helen Larson

**Thelton E. Henderson  
United States District Judge**

**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
1 Arrick	Project Director, Singer Island Palm Beach Shores, FL	1998
2 Arrick	Sales Manager, Newport Beach Newport Beach, California	1998
3 Arrick	Director of Sales, Park City Park City, Utah	1998
4 Arrick	Project Director, Kauai Lihue-Kauai, Hawaii	1998
5 Arrick	Director of Sales, Boston Boston Massachusetts	1998
6 Arrick	Director of Sales, Singer Island Palm Beach Shores, Florida	1998
7 Arrick	Project Director, Maui Lahaina, Hawaii	1998
8 Arrick	Project Director, Doral Miami Florida	1998
9 Arrick	Project Director, Seaview Galloway, New Jersey	1998
10 Arrick	Project Director, St. Thomas St. Thomas, Virgin Islands	1998
11 Arrick	Sales Manager, Maui Lahaina, Hawaii	1998
12 Arrick	Project Director, Aruba Palm Beach, Aruba	1999
13 Arrick	Sales Manager II, Maui Lahaina, Hawaii	1999
14 Arrick	Sales Manager II, Maui Lahaina, Hawaii	1999
15 Arrick	Sales Manager II, Maui Lahaina, Hawaii	2000

**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
16 Arrick	Sales Manager I, Maui Lahaina, Hawaii	2000
17 Arrick	Sales Manager I, Maui Lahaina, Hawaii	2000
18 Arrick	Sr. Sales Manager, Ko'Olina Kapolei, Hawaii	2000
19 Arrick	Project Director, Phuket Phuket, Thailand	2000
20 Arrick	Director of Sales, Lake Tahoe South Lake Tahoe, California	2001
21 Arrick	Director of Sales, Canyon Villas Phoenix, Arizona	2001
22 Arrick	Project Director, Doral Miami, Florida	2002
23 Arrick	Project Director, Legend's Edge Panama City, Florida	2002
24 Arrick	Director of Sales, Aspen Aspen, Colorado	2002
25 Arrick	Project Director, Kauai Lihue-Kauai, Hawaii	2002
26 Arrick	Director of Sales, Maui Lahaina, Hawaii	2002
27 Arrick	Project Director, London London, United Kingdom	2003
28 Arrick	Director of Sales, London London, United Kingdom	2002
29 Arrick	Director of Sales, Marbella Marbella, Spain	2004
30 Arrick	Director of Sales, Maui Lahaina, Hawaii	2004

**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

	<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
31	Arrick	Project Director, St Thomas St. Thomas, Virgin Island	2004
32	Arrick	Project Director, Canyon Villas Phoenix, Arizona	2004
33	Arrick	Project Director, Phuket Phuket, Thailand	2004
34	Kittner	Director of Sales, Aspen Aspen, Colorado	2003
35	Kittner	Director of Sales, Palm Desert Palm Desert, California	2003
36	Kittner	Sales Manager, Newport Coast Newport Coast, California	2003
37	Kittner	Sales Manager, Newport Coast Newport Coast, California	2003
38	Kittner	Sales Manager, Newport Coast Newport Coast, California	2003
39	Roger-Vasselin	Director of Sales, Newport Coast Villas Newport Coast, California	1999/2000
40	Roger-Vasselin	Director of Sales, Canyon Villas Phoenix, Arizona	2000/2001
41	Roger-Vasselin	Sr. Sales Manager, Newport Coast Sales Newport Coast, California	2000
42	Roger-Vasselin	Director of Sales, Bachelor's Gulch Bachelor's Gulch, Colorado	2001
43	Roger-Vasselin	Project Director, Kauai Lihue-Kauai, Hawaii	2001/2002
44	Roger-Vasselin	Project Director, Aspen Aspen, Colorado	2003

**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

	<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
45	Roger-Vasselin	Project Director, Canyon Villas Phoenix, Arizona	2004
46	Roger-Vasselin	Regional Director of Sales, Ritz-Carlton San Francisco San Francisco, California	2004